

REMARKS

Claim 1 is amended to recited that the amount of 0.025 to 0.050 wt% and by adding Mg and that the Mg content of less than 0.05 wt%. Claim 2 is amended to correct a minor informality. Support for the Amendment can be found, for example, in Example 1 of the specification the disclosure at the top of page 21 in the present application.

I. Response to Double Patenting Rejections

A. U.S. App. No. 10/855,868 (US 2005/0013724)

Claims 1, 3, 5, 7-8, 10, 11 and 21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-2 of copending App. No. 10/855,868 (US 2005/0013724 A1). In response to the argument presented in the Amendment filed on August 8, 2005, that the rejection is improper because the reference application is assigned to Sumitomo Light Metal Industries and therefore is not commonly owned, the Examiner points out that the reference application was assigned to Sumitomo Light Metal Industries and Fuji Photo Film Co., Ltd. on August 19, 2005.

Applicants respectfully traverse the rejection and submit that common ownership requires that both the present application and the reference application are owned by the same entity or entities. See, e.g. MPEP § 706.02(I)(2)(I). In this case, the present application is owned by Fuji Photo Film Co., Ltd. (see the attached Assignment record at Reel/Frame 01493/0346), whereas the reference application, US '868, is currently owned by Sumitomo Light Metal Industries and Fuji Photo Film Co., Ltd. Therefore, the present application and the US '868 application are not commonly owned.

Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection.

B. U.S. App. Ser. No. 10/784,879 (US 2004/0166442)

Claims 1, 3, 5, 7-8, 10, 11, 12, 14, 15 and 21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-14 of copending App. No. 10/784,879 (US 2004/0166442 A1) for the reasons of record.

Applicants defer responding to the provisional obviousness-type double patenting rejection.

C. U.S. App. Ser. No. 10/059,378 (US 2002/0155377)

Claims 1, 3, 5, 7-8, 10, 11, 12, 14-15 and 21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-6 of copending App. No. 10/059,378 (U.S. 2002/0155377 A1).

Applicants defer responding to the provisional obviousness-type double patenting rejection.

II. Response to Prior Art Rejections

A. Nishikawa et al (EP 211574)

Claims 1-16 and 21 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by EP '574.

B. Suzuki et al (JP 2002-129270)

Claims 1-11 and 21 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Suzuki et al.

Claims 1-21 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hotta (EP '469) in view of Suzuki et al.

C. Applicants' Response

Applicants respectfully submit that claim 1 is amended to recite that the Cu content is 0.025 to 0.050 wt% and that Mg may be contained in an amount of 0.05 wt% or less. Thus, the presently claimed invention is not anticipated by Nishikawa et al nor Suzuki et al.

Further, Cu is a very important element in controlling electrolytic graining treatment and is an essential component in the present invention. Since the diameters of pits produced by electrolytic graining treatment in a nitric acid solution can be made higher by setting the content of Cu at 0.025 wt% or more, water retention of fountain solution in the non-image areas can be largely secured when printing is performed after exposure and development, thereby improving scum resistance. On the other hand, if the content of Cu is more than 0.05 wt%, since the diameters of pits produced by electrolytic graining treatment in a nitric acid solution are too big and the uniformity of the diameters deteriorates, scum resistance is particularly poor (see page 18 of the original specification).

In addition, it is known that Fe, Cu, Mg or the like contained in aluminum affects the strength of an aluminum alloy, and thus the contents of these elements are also adjusted (see page 23 of the original specification).

Although the following is not described in the original specification, the Applicants believe that the reason the Mg content should be less than 0.05 wt% is as follows.

The support of the present application includes a comparatively large amount of Cu with the intent of making the electrolytic graining pits comparatively larger. However, if the amount of Mg increases, the amount of Si being a solid solute in Al decreases since Mg and Si are bound to each other to produce an intermetallic compound. Si being a solid solute in Al affects the performance of electrolytic graining such that the electrolytic graining pits become small if the amount of solid solute Si is small, which is the opposite result to the effect of the present invention to make the electrolytic graining pits larger by increasing the amount of Cu. Thus, it becomes necessary to hold the amount of Mg as small as possible.

In view of the above, Applicants submit that one of ordinary skill in the art would not have been motivated to modify the references as suggested by the Examiner with a reasonable expectation of success in achieving the presently claimed invention.

Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and under 35 U.S.C. § 103.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment Under 37 C.F.R. § 1.116
U.S. App. Ser. No. 10/765,471

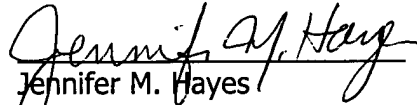
Atty. Dckt. NO. Q78015

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Date: February 1, 2006



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Reel/Frame: 014931/0346

Recorded: 01/28/2004

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Total properties: 1

1 Patent #: NONE Issue Dt: Application #: 10765471 Filing Dt: 01/28/2004
Publication #: US20040191692 Pub Dt: 09/30/2004
Title: Support for lithographic printing plate and presensitized plate and method of treating presensitized plate

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Search Results as of: 01/31/2006 05:38 PM

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